

Application S/N 10/808,992  
Amendment Dated: September 26, 2005  
Response to Office Action dated: June 24, 2005

CE12409JME

### **REMARKS/ARGUMENTS**

Claims 1-20 remain pending in the application. In the Office Action, claims 1-4, 6, 7, 10-14, 16-18 and 20 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,919,712 to Herron, et al. (Herron). Claims 5 and 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Herron in view of U.S. Published Patent Application No. 2004/0004767 to Song, et al. (Song). In addition, claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Herron in view of U.S. Published Patent Application No. 2001/0041041 to Hetzer (Hetzer), and claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Herron in view of U.S. Published Patent Application No. 2002/0083585 to Doi (Doi). Finally, claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Herron in view of U.S. Published Patent Application No. 2004/0008952 to Kragl (Kragl).

A brief summary of the Herron reference may be helpful here. Herron discloses the concept of exciting fluorescence-emitting tracer molecules bound to a waveguide surface with an evanescent field penetrating into an adjacent solution from a light beam propagated through the waveguide. The emitted fluorescence is then collected from the zone of evanescence penetration (see the Summary of the Invention). The waveguide receives a light beam from a lens. The outer, surrounding edge of the waveguide is coated with a reflective material, except for an uncoated region at which the focused light from the lens enters the waveguide. In addition, the reflective material reflects back into the waveguide light that would otherwise escape through the edge (see col. 10, lines 14-32). The reflection of the light back into the waveguide is random in nature. That is, Herron is not concerned with directing the light in any particular direction once it

Application S/N 10/806,992  
Amendment Dated: September 26, 2005  
Response to Office Action dated: June 24, 2005

CE12409JME

enters the waveguide. In fact, the waveguide in Herron is designed to prevent light from escaping, as the only portion without reflective material is the edge where the light beam is directed into the waveguide.

Independent claims 1, 11 and 17 have been amended to clarify that the light guide of the present invention has light directing portions that direct light in a non-random manner. Herron does not disclose such a feature. Herron actually teaches away from directing light because the waveguide in Herron, as noted above, is designed to prevent light from escaping to enable the excitation of fluorescence-emitting tracer molecules bound to the waveguide. There is simply no motivation to direct light from a waveguide that is designed to prevent its escape. For these reasons, Applicants also contend that there is no motivation or suggestion to combine the Herron and Song references with respect to claims 5 and 15. Herron has nothing to do with directing light from a waveguide, and it would be completely useless to optically couple the waveguide of Herron with the display structure of Song.

In view of the above, Applicants believe that independent claims 1, 11 and 17 are patentable over the prior art. Applicants also believe that those claims that depend from independent claims 1, 11 and 17 are patentable, both based on their dependencies on the independent claims and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing

Application S/N 10/806,992  
Amendment Dated: September 26, 2005  
Response to Office Action dated: June 24, 2005

CE12409JME

the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicants' attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

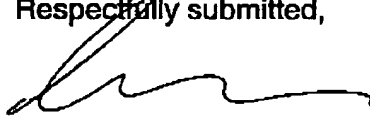
Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department – MD 1610  
8000 W. Sunrise Blvd.  
Plantation, FL 33322

Customer Number: 24273

By:

  
Larry G. Brown  
Attorney of Record  
Reg. No.: 45,834

Telephone:(954) 723-4295  
Fax No.: (954) 723-3871